

Sr.38
03-08-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

**CRR 3496 of 2018
with
CRAN 1 of 2020(Old No. CRAN 736/2020)**

In Re : **Dinesh Poddar**

.....Petitioner.

In the matter of : An application under Section 407 read with
Section 482 of the Code of Criminal Procedure.

Mr. Debashis Roy, Sr. advocate,
Mr. Sourav Chatterjee
Mr. Avik Ghatak
Mr. Md Apazal Ansari

.....for the petitioner.

Mr. Arindam Jana
Mr. Soumajit Chatterjee

.....for the opposite parties.

Mr. Swapan Banerjee, APP,
Mr. Swapan De

...for the State.

The petitioner is aggrieved by the order dated 30th
August, 2018 passed by the learned Sessions Judge, Burdwan
thereby refusing to transfer Asansol(South) P. S. Case No. 415
of 2015 pending before the learned Additional Chief Judicial
Magistrate, Asansol to the court of learned Chief Judicial
Magistrate, Burdwan.

Mr. Roy, learned senior advocate appearing for the petitioner submits that the other cases arising out of Asansol (South) P. S. Case No. 58 of 2015, Asansol (S) P. S. Case No. 59 of 2015, Asansol (South) P. S. Case No. 414 of 2015 and Asansol (South) P.S. Case No 82 of 2016 have been transferred from the court of the learned Additional Chief Judicial Magistrate, Asansol to the court of the learned Chief Judicial Magistrate, Burdwan.

Mr. Jana, learned advocate appearing for the opposite parties submits that the order of the learned Sessions Judge is justified and as such no interference is called for.

What weighed with this court for dismissing the revisional applications being CRR 469-472 of 2018 and affirming the order of the learned Sessions court for transferring the case to the learned Chief Judicial Magistrate, Burdwan was the observation of the learned Sessions Court that the petitioners therein were unable to surrender themselves before the jurisdictional court pursuant to order of anticipatory bail.

As such, the court had to pass direction for surrendering before the learned Additional Chief Judicial Magistrate, Burdwan. So far as the accused persons in the present case being Asansol (South) P. S Case No. 415 of 2015 is concerned, most of the accused persons have been

impleaded in one case or the other. In fact the present petitioner is also complainant in another case.

Having regard to the series of litigation which are pending inter se in between the parties and the reasons which are assigned by the learned Sessions Judge in the other cases, I am of the view that the order of the learned Sessions Judge so far as the present petitioner is concerned was with a restricted view and not taking into account the circumstances in all the cases. I am unable to agree with the order passed by the learned Sessions Court and the reasons assigned in Criminal Misc. Case No. 928 of 2016.

Accordingly, the order dated 30th August, 2018 passed by the learned Sessions Judge, Burdwan is set aside. The proceedings which are pending within the jurisdiction of the then learned Additional Chief Judicial Magistrate, Asansol(as submitted presently before the learned Judicial Magistrate, 3rd court, Asansol) be transferred to the court of the learned Chief Judicial Magistrate, Purba Burdwan.

With the aforesaid observations, the present revisional application being CRR 3496 of 2018 is disposed of.

All pending applications, if any, are consequently disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)